

## SENATE BILL No. 92

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-25-5.

**Synopsis:** Subsurface trench onsite sewage systems. Provides that if: (1) the administrative rules of the state department of health set forth minimum site suitability conditions under which a subsurface trench onsite sewage system may be constructed on a property; and (2) an officer or employee of the state department of health or a registered professional soil scientist determines that a property meets the minimum site suitability conditions for the construction of a subsurface trench onsite sewage system; the local health officer or local health department is prohibited from requiring the construction on the property of a residential onsite sewage system that would differ in design from and be significantly more expensive to construct than a subsurface trench onsite sewage system.

**Effective:** January 1, 2016 (retroactive).

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January 5, 2016, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 92

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-41-25-5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 5. (a) As used in this**  
4 **section, "residential onsite sewage system" means all equipment**  
5 **and devices that are needed for proper:**

6           **(1) onsite:**

7               **(A) conduction;**

8               **(B) collection;**

9               **(C) storage; and**

10              **(D) treatment; and**

11           **(2) absorption into the soil;**  
12 **of sewage from a residence.**

13           **(b) As used in this section, "septic tank" means a watertight**  
14 **structure into which sewage is discharged for:**

15               **(1) the settling of solids; and**

16               **(2) the digestion of solids by anaerobic bacteria.**

17           **(c) As used in this section, "soil scientist" means an individual**



1 registered under IC 25-31.5 with the Indiana Registry of Soil  
2 Scientists as a professional soil scientist.

3 (d) As used in this section, "subsurface trench onsite sewage  
4 system" means a residential onsite sewage system consisting of at  
5 least the following:

6 (1) A septic tank.

7 (2) A subsurface soil absorption system:

8 (A) to which effluent passes from the septic tank; and

9 (B) from which effluent is released into the soil, where  
10 naturally occurring microorganisms feed on the organic  
11 content of the effluent.

12 The term does not include a residential onsite sewage system that  
13 includes an elevated mound constructed at least partly of sand, to  
14 the top of which effluent is pumped or siphoned, and in which  
15 microorganisms feed on the organic content of the effluent.

16 (e) If:

17 (1) the administrative rules of the state department  
18 concerning residential onsite sewage systems set forth  
19 minimum site suitability conditions under which a subsurface  
20 trench onsite sewage system may be constructed on a  
21 property; and

22 (2) a residential property is determined by:

23 (A) an officer or employee of the state department; or

24 (B) a soil scientist;

25 to meet the minimum site suitability conditions for the  
26 construction of a subsurface trench onsite sewage system;  
27 the local health officer or local health department may not require  
28 the construction on the property of a residential onsite sewage  
29 system that would differ in design from and be significantly more  
30 expensive to construct than a subsurface trench onsite sewage  
31 system.

32 SECTION 2. An emergency is declared for this act.

